

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

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LAZARE KAPLAN INTERNATIONAL INC.,

Plaintiff,

- against -

KBC BANK N.V., in its own right and as successor-in-
interest to Antwerp Diamond Bank N.V.,

Defendant.
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Case No. 11 Civ. 9490 (ALC)

**DECLARATION OF
DR. KRIS WAGNER**

DR. KRIS WAGNER, pursuant to 28 U.S.C. 1746, declares as follows:

1. I am a partner with the law firm Holmes Kirby in Brussels, Belgium. I received degrees in philosophy (1993) and law (1995, lic. iur.; 2007 PhD) from Leuven University, and an LL.M. from Harvard Law School in 1997. I have authored five books on topics of Belgian civil procedure, my last book being a comprehensive manual on civil procedure in Belgium. I have been practicing as an attorney-at-law since 1995 and was an associate professor at Leuven University from 2000 to 2007. My firm represents Lazare Kaplan International Inc. (hereinafter "Lazare") in connection with cases filed by KBC Bank N.V. and Antwerp Diamond Bank N.V. (collectively, "KBC") in the court of commerce of Antwerp, Belgium, division Antwerp under general docket numbers A/10/02453 and A/15/13374 (the "Antwerp Actions"). I am the Holmes Kirby partner in charge of this representation. I make this declaration based on my personal knowledge and personal involvement as counsellor in the Belgian court proceedings described herein.

2. On May 22, 2018, in connection with the Belgian criminal investigation of KBC's alleged embezzlement of Lazare's diamond sales proceeds referenced in Chief Inspector Van de

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Gucht's March 28, 2018 letter (previously provided to the Court), access to certain files collected by Belgian criminal authorities ("KBC Criminal File") was granted to Lazare in accordance with standard Belgian procedures.

3. Under Belgian law and procedure, Lazare is permitted to maintain and use copies of the documents contained in the KBC Criminal File.

4. Attached hereto as **Exhibit 1** is a true and correct copy of a February 7, 2018 Official Report (without exhibits) of the detectives involved in the aforementioned criminal investigation of KBC and ADB, which was contained in the KBC Criminal File.

5. Attached hereto as **Exhibit 2** is a true and correct English translation of Exhibit 1.

6. Attached hereto as **Exhibit 3** is a true and correct copy of a February 16, 2018 Official Report (without exhibits) of the detectives involved in the aforementioned criminal investigation of KBC and ADB, which was contained in the KBC Criminal File.

7. Attached hereto as **Exhibit 4** is a true and correct English translation of Exhibit 3.

8. Attached hereto as **Exhibit 5** is a true and correct copy of a March 30, 2018 Official Report (without exhibits) of the detectives involved in the aforementioned criminal investigation of KBC and ADB, which was contained in the KBC Criminal File.

9. Attached hereto as **Exhibit 6** is a true and correct English translation of Exhibit 5.

10. Attached hereto as **Exhibit 7** is a true and correct copy of an April 6, 2018 Official Report (without exhibits) of the detectives involved in the aforementioned criminal investigation of KBC and ADB, which was contained in the KBC Criminal File.

11. Attached hereto as **Exhibit 8** is a true and correct English translation of Exhibit 7.

12. Attached hereto as **Exhibit 9** is a true and correct copy of an April 27, 2018 Official Report (without exhibits) of the detectives involved in the aforementioned criminal investigation of KBC and ADB, which was contained in the KBC Criminal File.

13. Attached hereto as **Exhibit 10** is a true and correct English translation of Exhibit 9.

14. The aforementioned Official Reports of the detectives involved in the aforementioned criminal investigation of KBC and ADB further demonstrate that the Belgian criminal investigation into KBC and ADB relate to the same set of facts at issue in Lazare's First Amended Complaint filed in the present action, and that Article 4 of the First Chapter of the Belgian Code of Criminal Procedure would require the stay of any civil litigation brought by Lazare against KBC in Belgium relating to the theft and/or embezzlement of Lazare's diamond sales proceeds.

15. Attached hereto as **Exhibit 11** is a true and correct copy of a February 7, 2018 email from Atul Nandankar (the Director of ICT Applications Support at KBC Bank – New York Branch) to Diane Grimmig, General Counsel and Chief Compliance Officer of KBC, which was contained in the KBC Criminal File.

16. Attached hereto as **Exhibit 12** is a true and correct copy an April 13, 2018 email from Atul Nandankar (the Director of ICT Applications Support at KBC Bank – New York Branch) to Herman Van Hecke, the Chief Legal Advisor of KBC Group NV, which was contained in the KBC Criminal File.

17. Attached hereto as **Exhibit 13** is a true and correct copy of an April 17, 2018 letter (without Annexes) from KBC's counsel, Filiep Deruyck, to Mr. P. Gaudius, the Examining Magistrate in charge of the Belgian criminal investigation of KBC, which was contained in the KBC Criminal File.

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18. Attached hereto as **Exhibit 14** is a true and correct English translation of Exhibit 13.

19. Attached hereto as **Exhibit 15** is a true and correct copy of an additional February 16, 2018 Official Report (without exhibits) of the detectives involved in the aforementioned criminal investigation of KBC and ADB, which was contained in the KBC Criminal File.

20. Attached hereto as **Exhibit 16** is a true and correct English translation of Exhibit 15.

21. Attached hereto as **Exhibit 17** is a true and correct copy of the Minutes of the Board of Directors of ADB dated May 29, 2009 (which itself attaches a "Framework Agreement For Credit Provision By Antwerp Diamond Bank NV With Guarantee By KBC Bank NV"), which was contained in the KBC Criminal File.

22. Attached hereto as **Exhibit 18** is a true and correct English translation of Exhibit 17.

I declare under penalty of perjury that the foregoing is to the best of my knowledge true and correct, or a true and correct representation of my opinion, and that this Declaration was executed on May 29, 2018.



Dr. Kris Wagner

Done on May 29, 2018.

KRIS WAGNER
ATTORNEY-AT-LAW
HOLMES KIRBY
kris.wagner@holmeskirby.com